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Written Testimony Before the House Natural Resource Committee on SB 312 (3/30/11)

Dear Chairman Hendrick and Members of the Committee:

The two attached graphs demonstrate why SB 312 is necessary. They show the dramatic drop in exploration and the number of hardrock mines in Montana since the early 1990's. One of the key reasons for this decrease is that permitting has become so unpredictable, lengthy, and costly.

It currently takes 7-10 years and millions of dollars to permit a new mine in Montana. An expansion of an existing mine can take 4-5 years and approximately 2 million dollars to permit. Many companies refuse to explore in Montana for this reason, and instead focus their efforts in other states.

SB 312 will give the DEQ and industry the tools they need to process permits in a timely fashion, comply with appropriate statutes, and provide a high level of environmental protection.

This bill requires that both the company and DEQ conduct considerable work upfront during the application submittal and review process, before committing to a lengthy and costly MEPA review.

- The company will be required to invest considerable time and money to prepare a detailed application with complete technical data and analyses.
- The DEQ will be required to conduct a thorough review of the application and determine whether the project would comply with applicable laws and administrative rules. If the project will not comply, DEQ will be required to state so in writing and to suggest proposed remedies.

It makes sense for the agency to determine whether a project is permitable before committing both the DEQ and company to a yearlong environmental review process under MEPA.

I would be happy to discuss this further; my contact information is above.

Thank you very much,

Sincerely,

Fess Foster

Fess Foster Ph.D., CPG, QP

